



## 98TH GENERAL ASSEMBLY

### State of Illinois

2013 and 2014

SB1901

Introduced 2/15/2013, by Sen. Daniel Biss

#### SYNOPSIS AS INTRODUCED:

New Act

Creates the Consumer Reciprocal Attorney's Fees Act. Defines "consumer contract" as any contract in which the money, property, or service that is the subject of the transaction is primarily for personal, family, or household purposes. Provides that if a consumer contract allows for the recovery of attorney's fees in an action brought to enforce the contract, the court may allow reasonable attorney's fees to the defendant if the defendant prevails in the action. Provides that the Act applies to any action filed on or after the effective date of the Act where the amount claimed does not exceed the maximum amount of a judgment allowable for a small claim under the Illinois Supreme Court Rules, but does not apply if the plaintiff does not request attorney's fees in the complaint or if each party to the consumer contract was represented by counsel in the negotiation of the contract. Provides that nothing in the Act shall be construed to apply to or limit the rights of any party to attorney's fees under any other contract or other provisions of Illinois law.

LRB098 06398 HEP 36440 b

1 AN ACT concerning civil law.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 1. Short title. This Act may be cited as the  
5 Consumer Reciprocal Attorney's Fees Act.

6 Section 5. Consumer contract defined. For purposes of this  
7 Act, "consumer contract" means any contract in which the money,  
8 property, or service that is the subject of the transaction is  
9 primarily for personal, family, or household purposes.

10 Section 10. Attorney's fees. If a consumer contract allows  
11 for the recovery of attorney's fees in an action brought to  
12 enforce the contract, the court may award reasonable attorney's  
13 fees to the defendant if the defendant prevails in the action.

14 Section 15. Applicability.

15 (a) This Act applies to any action filed on or after the  
16 effective date of this Act where the amount claimed does not  
17 exceed the maximum amount of a judgment allowable for a small  
18 claim under the Illinois Supreme Court Rules.

19 (b) This Act does not apply if the plaintiff does not  
20 request attorney's fees in the complaint or if each party to  
21 the consumer contract was represented by counsel in the

1 negotiation of the contract.

2 Section 20. Right to attorney's fees not limited. Nothing  
3 in this Act shall be construed to apply to or limit the rights  
4 of any party to attorney's fees under any other contract or  
5 other provisions of Illinois law.